



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

IN RE: SEARCH WARRANT 15-mj-627(F)
TO FACEBOOK FOR SUBSCRIBER INFORMATION
FOR User IDs 100000746634450 and
100007610432033

15-mj-627(F)
(FILED UNDER SEAL)

APPLICATION FOR ORDER COMMANDING
FACEBOOK NOT TO NOTIFY
ANY PERSON OF THE EXISTENCE OF SEARCH WARRANT

The United States requests that the Court order FACEBOOK not to notify any person, including the subscribers or customers of the account listed in the attached SEARCH WARRANT 15-MJ-627(F), of the existence of the attached SEARCH WARRANT until further order of the Court. See Exhibit A.

FACEBOOK is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). The SEARCH WARRANT requires FACEBOOK to disclose certain records and information to the Court and to the United States Attorney's Office for the Western District of New York. This Court has authority under 18 U.S.C. § 2705(b) to issue "an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order." 18 U.S.C. § 2705(b). FACEBOOK was recently served with the SEARCH WARRANT, and on December 3, 2015, a FACEBOOK representative notified the

undersigned Assistant United States Attorney that FACEBOOK would notify the subscribers of the existence of the government's request for subscriber information if a § 2705(b) Order is not obtained from the Court.

In this ongoing criminal investigation, which pertains to allegations of attempt and conspiracy to provide material support to terrorism/a designated Foreign Terrorist Organization, an Order would be appropriate because the attached SEARCH WARRANT relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached SEARCH WARRANT will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. § 2705(b)(2)-(5).

WHEREFORE, the government respectfully requests that the Court issue an Order directing FACEBOOK not to disclose the existence or content of the attached SEARCH WARRANT, except that FACEBOOK may disclose the attached SEARCH WARRANT to an attorney for FACEBOOK for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting Order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all

of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

DATED: Rochester, New York, September 4, 2015.

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United States District Court
for the
Western District of New York

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

Facebook User IDs 100000746634450 and 100007610432033.

Case No. 15-MJ-627(F)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Western District of New York (identify the person or describe the property to be searched and give its location):

Facebook User IDs 100000746634450 and 100007610432033, as described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B, Particular Items to be Seized, all of which are fruits, evidence and instrumentalities of violations of Title 18, United States Code, Sections 2339A and 2339B.

YOU ARE COMMANDED to execute this warrant on or before September 8, 2015

(not to exceed 14 days)

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to U.S. Magistrate Judge Jonathan W. Feldman.

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for _____ days *(not to exceed 30).* until, the facts justifying, the later specific date of _____.

Date and time issued: September 1, 2015, at 7:17 PM

Judge's signature

City and State: Rochester, New York

HONORABLE JONATHAN W. FELDMAN
United States Magistrate Judge

Printed name and Title

ATTACHMENT A

Property to be Searched

The search warrant applies to information associated with the following Facebook user ID numbers that are stored at premises owned, maintained, controlled or operated by Facebook Inc., a company headquartered in Menlo Park, California:

1. Facebook ID: 100000746634450; and
2. Facebook ID: 100007610432033.

ATTACHMENT B

Particular Items to be Seized

I. Information to be Disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- a. All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state and zip code), telephone numbers, screen names, websites, and other personal identifiers;
- b. All activity logs for the accounts and all other documents showing the user's posts and other Facebook activities;
- c. All photographs and videos uploaded by that user ID, and all photographs and videos uploaded by any user that have that user tagged in them;
- d. All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; Friend lists, including Friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook identification numbers; future and past event postings; rejected Friend requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- e. All other records of communications and messages made or received by the user, including all private messages, video calling history, and pending Friend requests;
- f. All "check ins" and other location information;

- g. All IP logs, including all records of the IP addresses that logged into the account;
- h. All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
 - i. All information about the Facebook pages that the account is or was a "fan" of;
 - j. All past and present lists of Friends created by the account;
 - k. All records of Facebook searches performed by the account;
 - l. All information about the user's access and use of Facebook Marketplace;
 - m. The types of service utilized by the user;
 - n. The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
 - o. All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account; and
 - p. All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be Seized by the Government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. §§ 2339A (attempting and conspiring to provide, material support of terrorism), and 2339B (attempting and conspiring to provide, material support to a designated foreign terrorist organization), including, for each user ID identified in Attachment A, information pertaining to the following matters:

- a. Efforts or attempts to provide material support (such as funds, equipment, and/or personnel) to terrorists or designated foreign terrorist organizations;

- b. Efforts or attempts to collect funds and equipment from others, and recruit personnel, for the purpose of sending them to engage in terrorist acts and/or join designated foreign terrorist organizations;
- c. Expressions of support for violent jihad, terrorist groups, designated foreign terrorist organizations, and terrorist acts;
- d. Efforts or attempts to arrange or assist in arranging overseas travel for others to engage in violent jihad;
- e. Efforts or attempts to contact and communicate with individuals associated with designated foreign terrorist organizations and/or groups involved in terrorist activities;
- f. Efforts or attempts to facilitate communications between individuals associated with designated foreign terrorist organizations and/or groups involved in terrorist activities;
- g. Efforts or attempts to find or provide religious justification for violent jihad and/or terrorist activities;
- h. Efforts or attempts to acquire and/or facilitate the acquisition of weapons, military equipment, and/or other items that could be used to further those engaged in violent jihad and/or terrorist activities;
- i. Efforts or attempts to avoid electronic and/or physical surveillance by law enforcement and/or intelligence agencies;
- j. International and/or domestic financial transactions or transfers;
- k. The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- l. The identity of the person(s) who communicated with the user ID about matters relating to violent jihad, the provision of material support of terrorism or to designated foreign terrorist organizations, including records that help reveal their whereabouts.